

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA)
)
v.) No. 3:05-CR-32
)
JEREMY ROBBINS,)
DIANE SHANDS ROBBINS, and) (Phillips)
VAIRAME TEDESCO)
)

ORDER

On June 16, 2006, the Honorable H. Bruce Guyton, United States Magistrate Judge, filed a 66-page Report and Recommendation (R&R) [Doc. 279] in which he recommended that defendants' motions to suppress evidence and statements be denied. This matter is presently before the court on defendants' timely objections to the R&R [see Doc. 281].

As required by 28 U.S.C. § 636(b)(1), the court has now undertaken a *de novo* review of those portions of the R&R to which defendants object. After doing so, the court readily concludes that Judge Guyton has thoroughly and correctly analyzed the legal issues presented in defendants' motions to suppress. Thus, any further comment by the court is unnecessary and would be repetitive. In sum, the court finds that (1) although the affidavit did not establish probable cause for the issuance of the search warrant of the Robbins' residence, the officers' reliance on the search warrant was reasonable under

United States v. Leon, 468 U.S. 897 (1984); (2) the agents' failure to properly knock and announce does not serve as a basis to suppress the evidence obtained from the search of the Robbins' residence; (3) the search warrant for the Robbins' residence expressly authorized execution at night; (4) the officers' seizure of items not specifically described in the search warrant does not justify suppression of all the evidence seized; (5) neither Jeremy Robbins nor Diane Robbins had a legitimate expectation of privacy in the residence at 8116 Hulls Mills Road to challenge the search of that residence; (6) the agents reasonably relied upon Ron Adams' claim of authority to search the barn located on Tract 12-A, and the scope of that search was permissible; (7) the statements made by Diane Robbins to the agents were voluntarily given; and (8) the statements made by Jeremy Robbins' to Agent Lewis were voluntarily given.

Accordingly, defendants' objections [Doc. 281] are hereby **OVERRULED** in their entirety, whereby the R&R is **ACCEPTED IN WHOLE**. Thus, defendants' motions to suppress evidence and statements [Docs. 92, 101, 115, 130, 210] are hereby **DENIED**.

IT IS SO ORDERED.

ENTER:

s/ Thomas W. Phillips
United States District Judge